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Attorneys for Plaintiff BLACK CARD LLC

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF WYOMING**

BLACK CARD LLC, a Wyoming Limited  
Liability Company,

Plaintiff,

v.

AMERICAN EXPRESS MARKETING &  
DEVELOPMENT CORP. a Delaware corporation;  
AMERICAN EXPRESS TRAVEL RELATED  
SERVICES COMPANY, INC. a New York  
corporation; and DOES 1 through 10, inclusive,

Defendants.

Case No. 10cv0025-D

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**BLACK CARD LLC'S REQUEST FOR JUDICIAL NOTICE  
IN SUPPORT OF MOTION FOR PARTIAL SUMMARY JUDGMENT**

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PLEASE TAKE NOTICE that plaintiff Black Card LLC ("BC LLC") hereby request that the Court take judicial notice of the following documents in connection with BC LLC's Motion for Partial Summary Judgment.

- A. **The Trademark Electronic Search System Results Page For "Centurion."** A copy of this document is attached as Exhibit A.
- B. **The Trademark Electronic Search System Results Page For "Black From American Express."** A copy of this document is attached as Exhibit B.
- C. **United States Patent and Trademark Office Notice of Abandonment, Dated April 17, 2007, Relating To "Black From American Express."** A copy of this document is attached as Exhibit C.
- D. **The Trademark Electronic Search System Results Page For "Plum Card."** A copy of this document is attached as Exhibit D.
- E. **The Trademark Electronic Search System Results Pages For "Platinum Card."** A copy of this document is attached as Exhibit E.
- F. **The Trademark Electronic Search System Results Page For "Zync Card."** A copy of this document is attached as Exhibit F.
- G. **The Trademark Electronic Search System Results Page For "Zync."** A copy of this document is attached as Exhibit G.

BC LLC respectfully requests that the Court take judicial notice of Exhibits A through G pursuant to Federal Rule of Evidence, Rule 201. *See e.g., Island Software & Computer Service, Inc. v. Microsoft Corp.*, 413 F.3d 257, 261 (2nd Cir. 2005).

**H. Plaintiffs American Express Marketing & Development Corp.'s and American Express Travel Related Services Co., Inc.'s Complaint Filed In *American Express Marketing & Development Corp. v. Black Card LLC*, Southern District Of New York Case No. 10 Civ. 1605.** A copy of this document, without exhibits, is attached as Exhibit H.

**I. Plaintiff American Express Company's Memorandum Of Law In Support Of Motion For Summary Judgment Filed In *American Express Co. v. Goetz*, Southern District Of New York Case No. 05 CV 1555.** A copy of this document is attached as Exhibit I.

**J. American Express Company's Initial Brief On Appeal, Filed in *American Express Co. v. Goetz*, United States Court of Appeals For The Second Circuit, Docket No. 06-2184-cv.** A copy of this documents is attached as Exhibit J.

BC LLC respectfully requests that the Court take judicial notice of Exhibits H through J pursuant to Federal Rule of Evidence, Rule 201. *See, e.g., Amphibious Partners, LLC v. Redman*, 534 F.3d 1357, 1361-1362 (10th Cir. 2008); *Holder v. Holder*, 305 F.3d 854, 866 (9th Cir. 2002).

**K. Excerpts of American Express Company's 2009 K-1, filed with the SEC on February 25, 2010.** A copy of the relevant portions of this document is attached as Exhibit K.

BC LLC respectfully requests that the Court take judicial notice of Exhibit K pursuant to Federal Rule of Evidence, Rule 201. *See e.g., Island Software & Computer Service, Inc.*, 413 F.3d at 261.

Dated: This 14th day of September, 2010

/s/ Ronald P. Oines

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